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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,989

11/12/2003

Keith D. Foote

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EXAMINER

SHAFFER, RICKY D

ART UNIT

PAPER NUMBER

2872

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/605,989	Applicant(s) FOOTE ET AL.	
	Examiner Ricky D. Shafer	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/25/2007 and 2/22/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-23 and 26-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 10/25/2007 have been fully considered but they are not persuasive.

In response to appellant's general argument that there is no suggestion or motivation to combine, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (FED. CIR. 1988) and In re Jones, 958 F.2d 347, 21 U.S.P.Q. 2d 1941 (FED. CIR. 1992). In this case, the exemplary reference to Carter et al ('896) clearly teaches it is well known to use interlocking fasteners including first and second arrays having identical configurations, wherein the first and second arrays includes a regularly-spaced plurality of fastening elements, wherein each fastening element comprises an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head, note Fig. 3B, which would obviously convey to one of ordinary skill in the art the general knowledge and/or predictable results of attaching one element to another employing interlocking fasteners.

Thus, it certainly would have been obvious to one of ordinary skill in the art at the time the invention was made to modify/substitute the interlocking fasteners of Stewart ('878) to include a similar interlocking assembly including first and second arrays having identical configurations, wherein the first and second arrays includes a regularly-spaced plurality of fastening elements, wherein each fastening element comprises an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head, as taught by Carter et al, in order to quickly

Art Unit: 2872

attach and/or de-attach said reflective element assembly to said mounting bracket at reduced costs and/or to similarly attach said reflective element assembly to said mounting bracket in a predictable manner.

Furthermore, the test for obviousness is not whether the features of a secondary reference or the general knowledge available to one of ordinary skill in the art be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in anyone or all of the references, rather, the test is what the combined teaching of the references, as a whole, would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871 (CCPA 1981).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-23 and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart ('878) in view of Carter et al ('896).

Stewart discloses a motor vehicle assembly comprising at least one mirror system for providing a rearward view to the operator of the motor vehicle, the mirror system comprising a reflective element assembly (90) including a reflective surface (96) for providing a reflection image, and a mounting panel (92, 98) having a mirror plate (92) for mounting the reflective surface thereto; a mounting bracket (110, 112) for mounting the reflective element assembly to the motor vehicle; and an interlocking fastener assembly (102, 104) for removably attaching the reflective element assembly to the mounting bracket comprising a first array of interlocking

Art Unit: 2872

fasteners (102) attached to and extend away from one of the reflective element assembly and the mounting bracket and a second array of interlocking fasteners (104) attached to and extending away from the other of the reflective element assembly and the mounting bracket, and configured to interlock with the first array and to secure said one of the reflective element assembly and the mounting bracket to the other of the reflective element assembly, wherein the mounting bracket comprises a swivel connection (32, 114), which serves as a tilting mechanism, for selectively adjusting the reflective element assembly, wherein the second array is attached to and extend away from the mounting panel/mirror plate, wherein the first and second arrays are attached and detachable without the use of separate fasteners, note Fig. 7 along with the associated description thereof, except for explicitly stating that the interlocking fasteners of the first and second arrays have an identical configuration, wherein the first and second arrays includes a regularly-spaced plurality of fastening elements, wherein each fastening element comprises an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head.

Carter et al teaches it is well known to use interlocking fasteners including first and second arrays having identical configurations, wherein the first and second arrays includes a regularly-spaced plurality of fastening elements, wherein each fastening element comprises an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head, note Fig. 3B, in analogous art for the purpose of attaching one element to another.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify/substitute the interlocking fastener assembly of Stewart to include a similar interlocking assembly including first and second arrays having identical configurations, wherein the first and second arrays includes a regularly-spaced plurality of fastening elements,

Art Unit: 2872

wherein each fastening element comprises an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head, as taught by Carter et al, in order to quickly attach and/or de-attach said reflective element assembly to said mounting bracket at reduced costs.

As to the limitations of claims 2-5 and 20-23, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to mounting panel of Stewart to include a plastic material of a synthetic resin, a thermoplastic material or gas-injected plastic material having a plurality of microscopic voids, as is well known in the art, in order to provide a light weight mounting panel, since it has been held to be within the general skill of a worker to select a known material on the basis of its suitability for the intended use and purpose of obtaining a degree of resiliency. Note *In re Leskin*, 125 USPQ 416.

As to the limitations of claims 8-11, 14, 15, 17, 26-29, 32, 33 and 35, it is well known to use tilt actuators for vertically and horizontally tilting of a reflective element assembly in the same field of endeavor for the purpose of providing an adjustment of a rearward field of view.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tilting mechanism of Stewart to include an automatic tilt actuator for vertically and horizontally tilting the reflective element assembly, as is commonly used and employed in the mirror art, in order to similarly adjust a rearward field of view so accommodate for different size drivers, since it has been held that broadly providing mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. Note *In re Venner*, 120 USPQ 192.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2872

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


RDS

May 11, 2008

/Ricky D. Shafer/
Primary Examiner
Art Unit 2872

Application/Control Number: 10/605,989
Art Unit: 2872

Page 7

<i>Application Number</i> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/605,989	FOOTE ET AL.	
	Examiner	Art Unit	
	Ricky D. Shafer	2872	